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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/829,013	04/10/2001	Kazuya Fujinaga	Q64034	9560

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EXAMINER

THEIN, MARIA TERESA T

ART UNIT	PAPER NUMBER
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3627

DATE MAILED: 12/17/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/829,013

Applicant(s)

FUJINAGA ET AL.

Examiner

Marissa Thein

Art Unit

3627

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 23 September 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: _____

DETAILED ACTION

Response to Amendment

Applicants' "Amendment" filed on September 23, 2004 has been considered.

The Examiner acknowledges the amendment to the Title of the Invention, Specification and the Abstract.

Applicants' response by virtue of amendment to the claims 1, 3, 7, 10, 15, and 20 have overcome the Examiner's rejection of such claims under 35 U.S.C. § 101.

Claims 1-20 are amended. Claims 1-20 remain pending in this application.

Response to Arguments

Applicant's arguments with respect to claims 1-20 have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-20 are rejected under 35 U.S.C. 102(e) as being anticipated by U.S.

Patent No. 6,141,653 to Conklin et al.

Art Unit: 3627

Regarding claims 1, 7-8, and 15, Conklin discloses an e-commerce brokering method and system for mediating commerce (sponsor) between a plurality of suppliers and a buyer comprising:

- storing public data and non-public data in database of an agent, the public data containing standardized attribute information about a product supplied by the plurality of suppliers, the public data able to be viewed so as to compare the attribute information of each suppliers' product (a sponsor database; Figures 1f and 1g), the non-public data comprising transaction rules set for each combination of a supplier and the buyer (confidential data is transmitted securely to the browser through SSL techniques, wherein access to the data is by user name and password, col. 26, lines 6-10; when participants log into their protected areas in the system's databases 225, they are presented with information regarding the latest development, if any, which have occurred in their respective negotiations, col. 26, lines 14-18); and
- applying to the agent for a transaction of a selected product, wherein the buyer selects a product from the database via the data communication network (placement of an order from a buyer, col. 23, lines 51-52; a buyer may want to know whether it can purchase such a product in high quantities at a reasonable price from any seller, col. 25, lines 30-34); and
- selecting a supplier and purchase conditions, wherein the buyer selects a supplier on the basis of the cost estimate and the agent carries out an ordering procedure on the basis of the purchase condition (Figures 16-18).

Art Unit: 3627

The Examiner notes that the phrase "if the buyer has applied for a transaction, the agent reads", the language does not move to distinguish the claimed invention from the reference (Conklin). The phrase is in a conditional sense or in the alternative. The noted "if" step is not necessarily performed. Accordingly, and as in the method itself, once the positively recited steps are satisfied, the method as a whole is satisfied -- regardless of whether or not other steps are conditionally invocable under certain other hypothetical scenarios.

Nonetheless, Conklin discloses the buyer has applied for a transaction (Letter of Credit), the agent reads transaction rules applicable to the buyer from the non-public data, prepares cost estimates, and presents the cost estimates to the buyer (col. 23, lines 51-67; Figure 16).

Furthermore, Conklin discloses starting negotiations with the supplier on the basis of the cost estimate to determine purchase conditions and a supplier (multivariate negotiation engine); ordering the selected product, wherein the agent carries out the ordering procedures for the buyer and the supplier on the basis of the negotiated purchase (Figures 16-18); and the purchase conditions stored in the non-public data are replaced by the negotiated purchase conditions (col. 24, lines 18-22).

Regarding claims 2-3, 9-10, 13, 17 and 19, Conklin discloses where the database stores of conversion data indicating corresponding between code systems of different suppliers, wherein the code system of each supplier includes customer codes and product part numbers; and the storing conversion data including customer codes

Art Unit: 3627

varying according to a supplier and product part numbers (see at least col. 28, lines 23-29).

Regarding claims 4-6, 11-14, Conklin discloses the buyer can view the public data cost-free (these browsers are distributed free of charge by their supplier); the supplier registers, updates, maintains and administers the public data stored in the database (08grpa in Figure 1k); and the agent stores a record of the ordering procedures in storage means whose data cannot be altered (sponsor's database, col. 32, line 54-col. 33, line 6); and wherein the buyer determines a supplier and purchase conditions via bidding conducted by the agent, individual negotiations or an auction with the supplier of the same products or services (col. 23, lines 43-58).

Regarding claims 16 and 18, Conklin discloses the database stores public data able to be viewed by standardizing attribute information about the same products supplied by the plurality of supplier so as to compare the attribute information with each other (Figures 1f, 1j and 1g).

Regarding claim 20, Conklin discloses an e-commerce broking method comprising: providing a database that stores public data and non-public data, the public data comprising standardized attribute information about the same kind of products supplied from the plurality of suppliers, and the non-public data comprising transaction rules set for each combination of a supplier and a buyer (confidential data is transmitted securely to the browser through SSL techniques, wherein access to the data is by user name and password, col. 26, lines 6-10; when participants log into their protected areas in the system's databases 225, they are presented with information regarding the latest

Art Unit: 3627

development, if any, which have occurred in their respective negotiations, col. 26, lines 14-18); presenting the public data to a buyer site (col. 19, lines 39-67); receiving an application from the buyer (Letter of Credit); reading the transaction rule set for the buyer and the selected supplier, and making a cost estimate to send to the buyer (Figures 16-20); receiving a decision from the buyer site, the decision containing a supplier from which the buyer purchases the desired product and purchase conditions determined on the basis of the cost estimate (Figures 16-20); and conducting ordering procedures (purchase order; Figures 16-20).

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Art Unit: 3627

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Marissa Thein whose telephone number is 703-305-5246. The examiner can normally be reached on M-F 8:00-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robert Olszewski can be reached on 703-308-5183. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

mtot
December 12, 2004

Anda Lam 12/13/04
Primary Examiner